I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

MS: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: U.S. O.Y. Signature: Dusa Carravado

Docket No.: CDPC-P01-010 (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Fitzgerald et al.

Application No.: 10/726000

Filed: December 1, 2003

For: IN-BAND CONTROL MECHANISM FOR

(Denise

Camerato)

SWITCHING ARCHITECTURE

Confirmation No.: 5224

Art Unit: 2171

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed March 5, 2004, Applicant respectfully submits a Combined Declaration and Power of Attorney, the Filing Fee for the Application (as shown on accompanying Fee Transmittal), Petition for Five Month Extension of Time, and Part 2 Copy of Notice.

Please charge our Deposit Account No. 18-1945 in the amount of \$1,500.00 covering the fees set forth in 37 CFR, 1.17(a)(5), 1.16(e), and 1.16(a). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit

Application No.: 10/726000 Docket No.: CDPC-P01-010

Account No. 18-1945, under Order No. CDPC-P01-010. A duplicate copy of this paper is enclosed.

Dated: October 5, 2004

Respectfully submitted

Edward J. Kelly

Registration No.: 38,936

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant

PTO/SB/21 (04-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE of the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/726000					
Filing Date	December 1, 2003					
First Named Inventor	Jeffrey J. Fitzgerald					
Art Unit	2171					
Examiner Name	Not Yet Assigned					
Attorney Docket Number	CDPC-P01-010					

Total Number of Pages in This Submiss	sion //	Attorney Docket Numbe	er CDPC-P01-010			
EN	CLOSURES	(Check all that appl	(y)			
Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) X Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) X Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53	Drawing(s) Licensing-rel Petition Petition to Co Provisional A Power of Attor	ated Papers onvert to a pplication mey, Revocation rrespondence Address claimer Refund	After Allowance communication to Technology Center (TC) Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter X Other Enclosure(s) (please Identify below): Combined Declaration and Power of Attorney Part 2 Copy of Notice Return Receipt Postcard			
SIGNATU	JRE OF APPLICA	ANT, ATTORNEY, OR	AGENT			
Firm ROPES & GRAY LLI Edward J. Kelly - 38,						
Date October 5, 2004	<u> </u>					
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Dated:	10-5-04	Signature:	Douse Coneral	(Denise Camerato)		

PTO/SB/17 (10-03) Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMME U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMME value the Paperwork Redultion Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number of the Paperwork Redultion Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number of the Paperwork Redultion Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number of the Paperwork Redultion Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number of the Paperwork Redultion Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number of the Paperwork Redultion Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number of the Paperwork Redultion and th									COMMERCE trol number.					
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FEE TRANSMITTAL					· [Application Number				10/726000				
for FY 2004					1	Filing Date				December 1, 2003				
						First Named Inventor				Jeffrey J. Fitzgerald				
Effective 10/01/2003. Patent fees are subject to annual revision.					Examiner Name					Not Yet Assigned				
X Applicant claims small entity status. See 37 CFR 1.27					ľ	Art Unit				2171				
TOTAL A	MOUN	T OF F	AYMEN	T (\$)	1,500.00		Attom	ey Do	cket No	э.	CDPC-P	01-010		
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1003 530	2003	265	Plant fi	ling fee		1402	330	2402	165	Filing a brid	ef in support o	of an appeal		
1004 770	2004	385	Reissu	e filing fee		1403	290	2403	145	Request fo	or oral hearing			
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SUBTOTAL (2) (\$) 0.00					*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (5) 1,105.00									
**or number previously paid, if greater, For Reissues, see above														
SUBMITTED BY						Registr	ation No.	20	026		T	(if applicable))		
							y/Agent)	38	,936		reiepnone	(617) 951-7532		
Signature											Date	October 5, 2004	· [
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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandris, Viginia 22313-1450 www.uspto.gov

APPLICATION NUMBER

ROPES & GRAY LLP

28120

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/726,000

ONE INTERNATIONAL PLACE

BOSTON, MA 02110-2624

12/01/2003

Jeffrey J. Fitzgerald

CDPC-P01-010

CONFIRMATION NO. 5224

FORMALITIES LETTER

OC000000012033854

Date Mailed: 03/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$450 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

10/08/2004 RMEBRAHT 00000043 181945

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE